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JACK D. MASSIMINO

8
9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11
12 UNITED STATES OF AMERICA, EX
REL. NYOKA LEE and TALALA
13 MSHUJA,

14 Plaintiffs,

15 vs.

16 CORINTHIAN COLLEGES, INC., et
al.,

17 Defendants.
18
19

Case No. CV 07-01984 PSG (MANx)

**DECLARATION OF ACHYUT J.
PHADKE IN SUPPORT OF
SCHOOL DEFENDANTS' EX
PARTE APPLICATION TO USE
ELECTRONIC EQUIPMENT AT
HEARING ON RULE 12(B)(1)
MOTION TO DISMISS**

Judge: Hon. Philip S. Gutierrez
Courtroom: 880

1 I, Achyut J. Phadke, hereby declare:

2 1. I am an attorney in the law firm of Munger, Tolles & Olson,
3 LLP, counsel of record for Defendants Corinthian Colleges Inc., David Moore and
4 Jack D. Massimino (the "School Defendants"). I am an attorney duly admitted to
5 practice in the State of California and before this Court in the above-captioned
6 matter. I have personal knowledge of the matters set forth herein and if called upon
7 to do so, I could and would testify competently thereto under oath.

8 2. On March 5, 2013, and March 6, 2013, I sent e-mail
9 correspondence to counsel to Relators in this action stating that the School
10 Defendants intended to present video from the depositions of Relators at the
11 March 11, 2013 hearing on the School Defendants' Rule 12(b)(1) motion to dismiss.
12 I asked Relators' counsel to stipulate to the use of electronic equipment at the
13 March 11, 2013 hearing as necessary to present video from Relators' depositions.
14 True and correct copies of the March 5, 2013 and March 6, 2013 emails I sent to
15 Relators' counsel are attached as **Exhibit A** and **Exhibit B** hereto.

16 3. On March 6, 2013, counsel to Relators informed me by e-mail
17 that Relators would not stipulate to allowing the use of electronic equipment at the
18 March 11, 2013 hearing. I informed Relators' counsel that the School Defendants
19 would apply ex parte for leave from the Court to use electronic equipment at the
20 hearing. A true and correct copy of my e-mail correspondence with Relators'
21 counsel dated March 6, 2013, is attached as **Exhibit C** hereto.

22 4. Counsel to Defendant Ernst & Young LLP informed me by
23 telephone on March 6, 2013, that it consented to the School Defendants' request to
24 use electronic equipment at the March 11, 2013 hearing.

25 I declare under penalty of perjury under the laws of the United States
26 and the State of California that the foregoing is true and correct.

Executed on March 6, 2013, at San Francisco, California.

/s/ Achyut J. Phadke

Achyut J. Phadke

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